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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 4th October 2004

No. 8622—li/1(SS)-53/2003-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 19th May 2004 in I. D. Case No. 1/2004 of the Presiding Officer, Industrial Tribunal, Rourkela to whom the industrial disputes between the Management of M/s. Utkal Auto Syndicate, Rourkela and its Workman Shri Jagadhar Nayak was referred for adjudication is hereby published as in the Schedule below :

### SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER  
INDUSTRIAL TRIBUNAL, ROURKELA

INDUSTRIAL DISPUTE CASE NO. 1 OF 2004

Dated the 19th May 2004

#### *Present :*

Shri D. Barik, s. J. s. (Sr. Branch)  
Presiding Officer, Industrial Tribunal  
Rourkela.

#### *Between :*

M/s. Utkal Auto Syndicate  
At Panposh Road, Rourkela-4  
Dist. Sundargarh.

.. First Party—Management

And

Shri Jagadhar Nayak  
House No. 17, Gangadhar Palli  
Rourkela, Dist. Sundargarh.

.. Second Party—Workman

*Appearances :*

For the First Party–Management	..	None
For the Second Party–Workman	..	Workman

**AWARD**

This is a reference by Government of Orissa for decision of a dispute :

“Whether the action of the Management of M/s. Utkal Auto Syndicate, Rourkela in terminating the service of Shri Jagadhar Nayak by way of refusal of employment with effect from the 1st January 2003 is legal and/or justified ? If not, what relief Shri Jagadhar Nayak is entitled to ?”

The first party is M/s. Utkal Auto Syndicate, Rourkela and the second party is Jagadhar Nayak a workman of the first party company. The second party workman joined services of the first party management in the year 1976 as a Mechanic. At the time of his joining he was not issued with any written order as to his employment. However, on the 1st December 1980 the first party management regularised the services of the second party workman and he was in receipt of Rs. 1,600 per month towards his wages. Besides, he was also entitled to Provident Fund, E. S. I. , Bonus, Leave and other benefits admissible to similar employees/workman of the first party management. On the 1st November 2002 the first party management refused employment to the second party workman without any rhyme and reason and the workman ran from pillar to post and approached his superior officers/authorities but in vain. Neither the second party workman was allowed to resume his duties nor was he informed of the reason of such illegal refusal of employment. However, on repeated requests the first party management paid the wages of the second party workman up to the 31st December 2002 and thereafter neither he was paid anything nor allowed to resume his duties. Hence his refusal of employment was from the 1st January 2003 onwards.

No action under 25 of the I. D. Act 1947 was taken by the first party company in terminating the services of the second party workman. He has prayed for his reinstatement in services with full back wages.

There was a conciliation which had failed, the reference was accordingly made by the appropriate Government. The first party company remained absent and took no steps. It was set *ex parte*.

The second party workman examined himself as W W 1. His evidence is that he has been continuously serving the first party company since 1976 and was regularised in this service as a mechanic from the 1st December 1980. He was getting a monthly wage of Rs. 1,600 from the first party company. Without complying the provision of Section 25 of the I. D. Act, 1947 the first party company refused him service from the 1st November 2002. His representation to the first party management was not considered. He moved the Labour

Department, Rourkela and there was conciliation. On its failure the Government of Orissa has made this reference. He is entitled to reinstatement in this service with full back wages. His claim is true. Hence, an award is passed that the second party workman is reinstated in his service under the first party company with effect from the 1st November 2002. He is entitled to full back wages @ Rs. 1,600 per month since the 1st January 2003 till payment is made by the first party company.

Dictated and corrected by me.

D. BARIK  
19-5-2004  
Presiding Officer  
Industrial Tribunal, Rourkela

D. BARIK  
19-5-2004  
Presiding Officer  
Industrial Tribunal, Rourkela

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By order of the Governor  
D. MISHRA  
Under-Secretary to Government